

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 10.55.907) ON PROPOSED AMENDMENT
relating to distance learning)

TO: All Concerned Persons

1. On August 26, 2008 at 9:30 a.m. a public hearing will be held in the OCHE conference room at 46 North Last Chance Gulch, Helena, Montana, to consider the amendment of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 12, 2008 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@montana.edu.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY DELIVERED
LEARNING (1) and (2) remain the same.

(3) Except as provided in (3)(a), teachers of distance, online, and technology delivered learning programs shall be licensed and endorsed in Montana or elsewhere in the area of instruction taught with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3). School districts receiving distance, online, and technology delivered learning programs described in this rule shall have a distance learning facilitator for each course and available to the students.

(a) When a teacher of distance, online, and technology delivered learning programs and/or courses does not possess the qualifications specified in (3), the facilitator must be licensed and endorsed in Montana or elsewhere in the area of instruction facilitated with such license granted as a result of the completion of an accredited professional educator preparation program as defined in ARM 10.57.102(3).

(i) through (5) remain the same.

AUTH: 20-2-114, MCA

IMP: 20-2-121, 20-3-106, 20-7-101, MCA

4. Statement of reasonable necessity: The Board of Public Education has determined that it is reasonable and necessary to amend ARM 10.55.907 (3) and (3)(a) to allow Montana school districts flexibility to select distance, online, and

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technology courses and programs taught by qualified teachers whether in Montana or elsewhere. This amendment provides school districts flexibility in choosing distance, online, and technology courses and programs to best meet specific local learning needs while preserving education quality. Further, the proposed amendments include language to keep the Board of Public Education's accreditation standards governing online learning contemporary with rapidly evolving online teaching.

5. Pursuant to the agreement between the Board of Public Education and the Legislature, the board does not anticipate any implementation costs, but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

6. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@montana.edu and must be received no later than 5:00 p.m. on August 28, 2008.

7. Steve Meloy has been designated to preside over and conduct the hearing.

8. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

10. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.



Patty Myers, Chairperson
Board of Public Education

Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State July 21, 2008.

